

Remarks

Claims 1-19 remain in the application with Claims 1 and 14 being in independent form. Claim 14 is being amended and Claim 20 has been canceled.

Claims 1 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yamamoto et al. (U.S. Patent No. 6,082,443) and Claims 14-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mochizuki et al. (U.S. Patent No. 5,694,295). Claim 19 stands rejected under 35 U.S.C. § 102(b) as being anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over Mochizuki et al. Claims 2-8, 10-13, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the allowance of Claims 2-8, 10-13, and 20. In accordance with this allowance, Applicant has amended independent Claim 14 to include all of the substantive limitations of dependent Claim 20. Claim 14 is therefore believed allowable. Claims 15-19 are also believed allowable as these claims depend from the unique features of independent Claim 14.

Applicant has carefully reviewed the Yamamoto et al. reference and the § 102(b) rejection of independent Claim 1. Applicant disagrees with this anticipation rejection and believes that independent Claim 1 as originally filed is allowable. In particular, Applicant believes that the examiner has misinterpreted the cooling assembly disclosed in the Yamamoto et al. patent.

The subject invention, as claimed in independent claim 1, requires a base plate and a spaced condenser plate that are interconnected by an outer wall. A working fluid is disposed within a chamber defined by the plates and wall. At least one partition wall is *mounted to the condenser plate and angles downwardly toward the base plate*. The partition wall therefore directs working fluid on the condenser plate toward a predefined portion of the base plate.

The Examiner refers to the embodiment of Figures 31(a) and 31(b) in Yamamoto et al. to provide the requisite anticipation for rejecting independent Claim 1. The Examiner states that the wicks 201 are analogous to a partition wall mounted to a condenser plate and that these wicks 201 partially divide a seal chamber and angle downwardly toward a base

plate.

The embodiment of Figures 31(a) and (31(b), however, does not disclose or suggest the unique cooling assembly as claimed in independent Claim 1. Figure 31(a) is a side view of the cooling assembly and Figure 31(b) is a top view. The embodiment of the cooling assembly shown in Figures 31(a) and 31(b) discloses a base plate 202 and a condenser plate 203 with side walls 200. Each of the wicks 201 extend from one or more of the side walls 200 (not the condenser plate 203). The wicks 201 are spaced from both base plate 202 and condenser plate 203 such that a second wick 205, which is in the form of a wire mesh, can be disposed in that space. Hence, the wicks 201 are in no way mounted to the condenser plate 203. Further, the wicks 201 cannot in any way angle downwardly toward the base plate 202 because the wicks 201 actually extend sideways across both the condenser 203 and base 202 plates.

There is absolutely no disclosure, teaching or suggestion in Yamamoto et al. of mounting the wicks 201 to the condenser plate 203 or angling the wicks 201 toward the base plate 202 as required by independent Claim 1. As such, the wicks 201 cannot direct working fluid on the condenser plate 203 toward a predefined portion of the base plate 202 as also required by independent Claim 1. Further, Yamamoto et al. teaches away from mounting the wicks 201 to the condenser plate 203. Yamamoto et al. requires that there be a second wick 205 disposed along the base plate 202 and condenser plate 203. Hence, the wicks 201 cannot be mounted to the condenser plate 203 because this would defeat the operation of the second wicks 205.

Once the Yamamoto et al. patent is properly interpreted, it is clear that that combination of limitations set forth in independent Claim 1 is unique and non-obvious in light of the prior art of record. As such, independent Claim 1 is believed allowable. Claims 2-13 are also believed allowable as these claims depend from unique features of independent Claim 1.

The remaining references cited but not applied to the claims have been considered. Since the Examiner has apparently considered these references as less pertinent than the above discussed references, further discussion of the non-applied references, at this time, is considered unnecessary. However, it is respectfully submitted that the claims in the subject patent application patentably define over all references of record either independently or in

combination.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

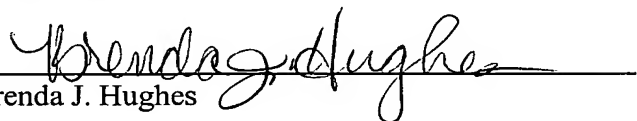


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**CERTIFICATE OF MAILING**

I hereby certify that the attached **Amendment** and return post card are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 10, 2004.**



Brenda J. Hughes